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Nichols and others, for construction of the will of Mrs. S. E. Nichols, deceased. From the decree, the trustee and others appeal. Reversed.

Hoge & Darnall, of Roanoke, for appellants.

H. M. Fox, of Roanoke, for appellees.

LITTON *v.* WOLIVER.

Sept. 17, 1919.

[100 S. E. 827.]

1. Seduction (§ 16*)—Declaration; “Debauch.”—A declaration alleging that defendant debauched and carnally knew the daughter of plaintiff is an allegation that defendant seduced the woman; the word “debauch” meaning to corrupt with lewdness or to seduce.

[Ed. Note.—For other definitions, see Words and Phrases, First and Second Series, Debauch. For other cases, see 12 Va.-W. Va. Enc. Dig. 125.]

2. Seduction (§§ 8, 20*)—Damages; Wounded Feelings.—Notwithstanding the provisions of Code 1904, § 2896, dispensing with the need of proof of actual loss of services in case of an action by a parent for the seduction of a daughter who was a member of his family, the parent cannot recover damages for wounded feelings and affections because of defendant’s mere sexual intercourse with the daughter, where there was no actual seduction; this being true, though the loss of services is at common law the basis of the action.

[Ed. Note.—For other cases, see 12 Va.-W. Va. Enc. Dig. 123, 125.]

3. Appeal and Error (§ 1066*)—Prejudicial Error; Instructions in Seduction Case.—Where there was evidence by defendant tending to show that, while he had sexual intercourse with plaintiff’s daughter, there was no seduction, the giving of an instruction allowing the recovery of damages for wounded feelings and affections, without any proof of actual seduction, was prejudicial error.

Error to Circuit Court, Lee County.

Action by one Litton against one Woliver. There was a judgment for plaintiff, and defendant brings error. Reversed, and new trial granted.

J. C. Noel and Pennington & Pennington, all of Pennington Gap, for plaintiff in error.

B. H. Sewell and Davidson & Robinett, all of Jonesville, for defendant in error.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.